

are desoxyepothilones as defined in U.S. Patent No. 6,284,781. Specifically, epothilone C is described in said patent at column 17, lines 43-60, and epothilone D is described in said patent at column 25, lines 45-65.

The following count is proposed to define the interference subject matter:

Proposed Count

A composition according to claim 18 of this application, Serial No. 09/313,524,

or

A method according to claim 19 of this application, Serial No. 09/313,524,

or

A composition according to claim 1 of U.S. Patent No. 6,284,781,

or

A method according to any of claims 6 and 29 of U.S. Patent No. 6,284,781.

Proposed Count 1 complies with 37 C.F.R. § 1.606 in that it is not narrower in scope than any patent claim or application claim which corresponds to the count.

Identification of at Least One Claim in U.S. Patent No. 6,284,781
Corresponding to the Proposed Count

Claims 1, 6 and 29 of U.S. Patent No. 6,284,781 correspond to the proposed count.

Presentation of Claims Corresponding to the Proposed Count

Claims 18 and 19 presented with this Amendment correspond to the proposed count.

Application of the Terms of Claims 18 and 19 to the Disclosure of the Application

The terms of claims 18 and 19 are applied to the disclosure of this application as follows:

Term of Claim 18

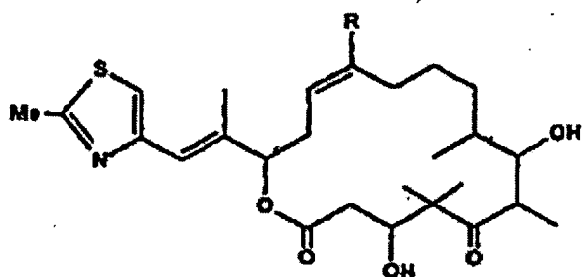
Disclosure of Application

A therapeutic composition

page 7, lines 7 and 8

of formula

page 8, lines 20, 21 and 22



wherein R is hydrogen or methyl

page 8, lines 21 and 22

Term of Claim 19

Disclosure of Application

A method of controlling malignant tumours

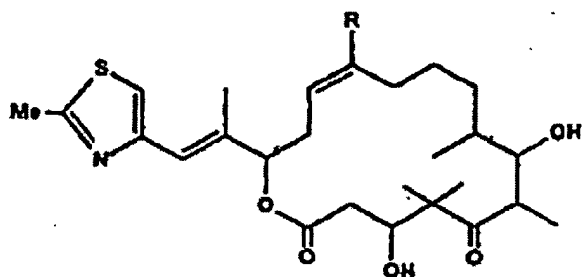
page 7, lines 11-15

comprising administering a therapeutic amount

page 7, line 7

of an epothilone of the formula

page 8, lines 20, 21 and 22



wherein R is H or methyl

page 8, lines 21 and 22

Affidavit or Declaration Under 37 C.F.R. § 1.608 is Not Required

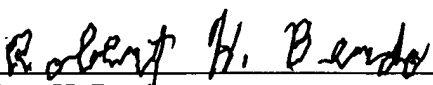
The present application claims priority of Federal Rep. Germany Application 196 47 580.5, which was filed November 18, 1996. A certified copy of this application was attached as Appendix C to an Amendment filed in this application on or about April 20, 2001. This application describes preparation and compositions of epothilones C and D. The claims of the present application are directed to epothilones C and D which are generically claimed in claims 18 and 19 submitted herewith. Thus, the effective filing date of this application is November 18, 1996.

U.S. Patent No. 6,284, 781 claims the benefit of provisional application No. 60/032,282, filed December 3, 1996. No earlier date is claimed. Thus, the effective filing date of the present application predates the earliest date claims in U.S. Patent No. 6,284,781 and no Affidavit or Declaration Under 37 C.F.R. § 1.608 is necessary.

Conclusion

For the reasons discussed above, new claims 18 and 19 are fully supported by the specification and Applicants' priority application. Applicants request that an interference with U.S. Patent No. 6,284,781 be declared naming Applicants as senior party.

Respectfully submitted,


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